

**Tennessee Board of Medical Examiners
April 16, 2012**

Teleconference Minutes

A teleconference for the Board of Medical Examiners was held at 5:15 pm in the Health Related Boards Iris Conference Room located at 227 French Landing, Suite 300 Heritage Place, Metro Center on April 16, 2012.

Member(s) Present: Dr. Barrett Rosen (acting chair)

Members Present Telephonically : Dr. Mitchell Mutter; Dr. Michael Zanolli; Dr. Dennis Higdon; Dr. Michael Baron; Ms. Regine Webster; Ms. Patricia Eller and Ms. Nina Yeiser

Staff Present: Rosemarie Otto, Executive Director; Larry Arnold, MD, Board Consultant; LaTonya Shelton, Administrator; Andrea Huddleston, JD, Deputy General Counsel

A roll call was held to determine if each participant could hear the responses of the others. Ms. Huddleston informed the Board that the purpose of the meeting was to review the Petition for Declaratory Order filed by Dr. T. K. Susheel Kumar and to ratify the Consent Order for Dr. Allen R. Walker, Jr. Dr. Zanolli made the motion to proceed to conduct the meeting electronically and Dr. Rosen seconded the motion. A roll call vote was held to accept the motion and the motion passed unanimously.

A motion was made by Dr. Mutter to proceed to conduct the meeting by determining the matters to be discussed met the following requirements: The subject matter requires timely action, the physical presence of all members was not possible considering the period of time required for action, and the participation by some or all of the members of the board by electronic or other means is necessary. Dr. Rosen seconded the motion. A roll call vote was held to accept the motion and the motion was adopted unanimously.

Members were advised to identify themselves before they spoke. The teleconference was then turned over to Dr. Barrett Rosen who chaired the meeting.

Dr. Mutter made a motion to authorize a contested case hearing for Dr. T. K. Susheel Kumar to be held on May 23, 2012. Dr. Zanolli seconded the motion. A roll call vote was held to accept the motion and the motion was carried unanimously.

Dr. Allen R. Walker, Jr. was neither present nor was his legal counsel Ernest Sykes, Jr. Ms. Andrea Huddleston represented the Department of Health. Dr. Walker, Jr. on or about February 2012, was charged in Sumner County, Tennessee with fraud and miscellaneous offenses related to the prescription of controlled substances in violation of T.C.A. §53-11-401 et seq. Dr. Walker, Jr. on or about March 2, 2012 was charged in the United States District Court for the Middle District of Tennessee with knowingly or intentionally acquiring or obtaining possession of a controlled substance by misrepresentation, fraud, forgery, deception or subterfuge. Dr. Walker, Jr. neither admits nor denies the following for purposes or resolving this matter acknowledges that the State would present proof as follows:

- (a) At least some time in 2011 until February 2012, he wrote prescriptions for controlled substances in the names of his children and other family members, for the purpose of diverting those drugs for his own use.

- (b) At least 2009 to 2012, he abused various substances and suffered from chemical dependency. Dr. Walker, Jr voluntarily entered into a monitoring agreement with the Tennessee Medical Foundation, but did not maintain compliance with the terms of that agreement. That an evaluation conducted in early 2012 indicated that he was not safe to practice medicine.
- (c) At least 2007 and 2012, he inappropriately prescribed controlled substances to various patients by failing to obtain the records of previous providers, failing to consistently obtain diagnostics or consults to identify the etiology of the pain complained of, failing to document the reasons for changes in the doses of controlled substances, and failing to document urine screens or pill counts to deter and detect abuse. Dr. Allen R. Walker, Jr., specifically violated the following statutes or rules which are part of the Tennessee Medical practice Act T.C.A. §63-6-101, et seq.; T.C.A. §63-6-214(b)(1)(4)(12)(14) and (18).

Dr. Allen R. Walker, Jr., in order to avoid further administrative action, agrees that his license, is hereby **SURRENDERED** effective the date of ratification of this Consent Order. Dr. Walker, Jr., acknowledges that the surrender of his medical license shall have and be considered to have the same effect as a **REVOCATION**. Dr. Walker, Jr., agrees that he shall not file an application for a new medical license in Tennessee for a period of at least two (2) years from the date of ratification of this Consent Order. Dr. Walker, Jr., shall pay pursuant to TCA § 63-6-214(k) and Rule 0880-2-.12(1)(j) of the Official Compilation Rules and Regulations of the State of Tennessee, the actual and reasonable costs of prosecuting this case to the extent allowed by law, including all costs assessed against the Board by the Division's Bureau of Investigations in connection with the prosecution of this matter. These costs will be established by an Affidavit of Costs prepared and filed by counsel for the Department. The maximum amount for the assessment of costs shall be five thousand dollars (\$5,000.00). Dr. Walker, Jr., understands that this is a formal disciplinary action and will be reported to the Health Integrity and Protection Data Bank (H.I.P.D.B.) and/or similar agency. Dr. Mutter made a motion to accept the consent order as written regarding Dr. Allen R. Walker, Jr. as written. Dr. Rosen seconded the motion. A roll call vote was held to accept the motion and the motion was carried unanimously. Dr. Baron rescued himself.

The teleconference meeting was adjourned at 6:00 p.m.

These minutes will be ratified by the Medical Board on May 22, 2012.

These minutes were ratified by the full Board May 22, 2012.